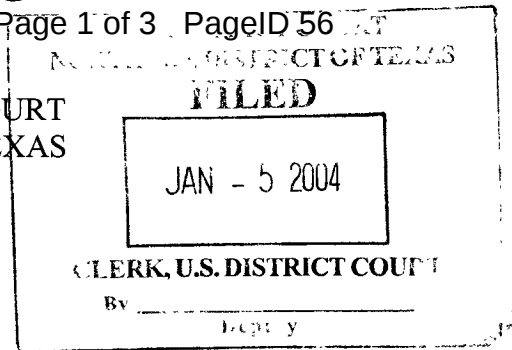


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



FONDA DUSE,

Plaintiff,

v.

CENTER OPERATING COMPANY, L.P.,

Defendant.

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C.A. NO. 3-02CV-1023-HR

**PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO FILE PLAINTIFF'S
RESPONSE TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

COMES NOW, Plaintiff Fonda Duse, and files this, her Motion for Extension of Time to File Plaintiff's Response to Defendant's Motion for Summary Judgment, and would respectfully show the Court as follows:

I.

Plaintiff's prior counsel was disqualified from representing Plaintiff Fonda Duse. Since the disqualification of Plaintiff's prior counsel, Defendant filed a motion for summary judgment on December 3, 2003, making Plaintiff Duse's Response to the pending motion for summary judgment is due today, December 23, 2003. Plaintiff Duse has only retained her counsel as of today and seeks an extension of time to obtain her case file and file a response to the pending motion for summary judgment. Plaintiff's counsel is also aware that a confidentiality order is in place and, in the abundance of caution, has requested a copy of the confidentiality order from defense counsel before reviewing the pending motion for summary judgment and the related case file. Defense counsel has indicated that, due to the pending holidays, the confidentiality order cannot

be sent to Plaintiff until Monday, December 29, 2003. Plaintiff Duse requests thirty extra days to respond to the motion for summary judgment, making the proposed deadline for January 22, 2003. Plaintiff does not seek a continuance of the pre-trial and trial settings.

WHEREFORE PREMISES CONSIDERED, Plaintiff requests that this Court grant her Motion for Extension of Time to File Plaintiff's Response to Defendant's Motion for Summary Judgment and any other relief to which Plaintiff is justly entitled.

Respectfully submitted,

MCCATHERN ♦ MOOTY ♦ BUFFINGTON, L.L.P.

By: 

Levi G. McCathern II
State Bar No. 00787990
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

After conferring three substantive phone conversations with Counsel for Defendant today, Defendant is opposed to this motion.



Tisha L. Dodge

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been forwarded to all counsel of record on this the 23rd day of December, 2003 via facsimile.

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Tisha L. Dodge